

**Effective 5/10/2016**

**17B-1-302 Board member qualifications -- Number of board members.**

- (1)
  - (a) Each member of a local district board of trustees shall be:
    - (i) a registered voter at the location of the member's residence; and
    - (ii) except as otherwise provided in this Subsection (1), a resident within:
      - (A) the boundaries of the local district; and
      - (B) if applicable, the boundaries of the division of the local district from which the member is elected.
  - (b)
    - (i) As used in this Subsection (1)(b):
      - (A) "Proportional number" means the number of members of a board of trustees that bears, as close as mathematically possible, the same proportion to all members of the board that the number of seasonally occupied homes bears to all residences within the district that receive service from the district.
      - (B) "Seasonally occupied home" means a single-family residence:
        - (I) that is located within the local district;
        - (II) that receives service from the local district; and
        - (III) whose owner:
          - (Aa) does not reside permanently at the residence; and
          - (Bb) may occupy the residence on a temporary or seasonal basis.
    - (ii) If over 50% of the residences within a local district that receive service from the local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is replaced, for a proportional number of members of the board of trustees, with the requirement that the member be an owner of land, or an agent or officer of the owner of land, that:
      - (A) receives service from the district; and
      - (B) is located within:
        - (I) the local district; and
        - (II) if applicable, the division from which the member is elected.
  - (c) For a board of trustees member in a basic local district that has within its boundaries fewer than one residential dwelling unit per 10 acres of land, the requirement under Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land within the local district that receives service from the district, or an agent or officer of the owner.
  - (d) A member of the board of trustees of a service area described in Subsection 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is not subject to the requirements described in Subsection (1)(a)(ii) if the elected official was elected at large by the voters of the county.
- (2) Except as otherwise provided by statute, the number of members of each board of trustees of a local district shall be an odd number that is no less than three.
- (3) For a newly created local district, the number of members of the initial board of trustees shall be the number specified:
  - (a) for a local district whose creation was initiated by a petition under Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or
  - (b) for a local district whose creation was initiated by a resolution under Subsection 17B-1-203(1)(d) or (e), in the resolution.
- (4)
  - (a) For an existing local district, the number of members of the board of trustees may be changed by a two-thirds vote of the board of trustees.

- (b) No change in the number of members of a board of trustees under Subsection (4)(a) may:
  - (i) violate Subsection (2); or
  - (ii) serve to shorten the term of any member of the board.

Amended by Chapter 140, 2016 General Session